

## **REMARKS**

### **Substitute Sequence Listing**

In response to the Notice to Comply, Applicants submit herewith a substitute sequence listing as a text file, in which the nucleotide sequences present in the specification and drawings have all been incorporated. Applicants have amended the specification, claims and drawings to list sequence identifiers (*i.e.*, SEQ ID NOs.) in accordance with the substitute sequence listing.

According to the Legal Framework for EFS-Web (September, 2008), if a sequence listing text file submitted via EFS-Web complies with the requirements of 37 C.F.R. § 1.824(a)(2)-(6) and (b) (*i.e.*, is a compliant sequence listing ASCII text file), the text file will serve as both the paper copy required by 37 C.F.R. § 1.821(c) and the computer readable form (CRF) required by 37 C.F.R. § 1.821(e). Thus a statement under 37 C.F.R. § 1.821(f) (indicating that the paper copy and CRF copy of the sequence listing are identical) is unnecessary.

Applicants submit that the application, as amended, complies with the requirements of 37 C.F.R. § 1.821 through 1.825. Applicants submit that the substitute sequence listing contains no new matter, and the instant amendments introduce no new matter.

### **Amendments to the Specification**

Applicants have amended the specification to list SEQ ID NOs. in accordance with the substitute sequence listing. In particular, Applicants have amended the specification to delete the originally listed SEQ ID NO:10 in Table 5 (since it includes fewer than 10 nucleotides) and renumbered each sequence requiring a sequence identifier. Each of specific sequences is listed in the substitute sequence listing in compliance with 37 C.F.R. § 1.821-1.825.

### **Amendments to the Drawings**

Applicants have amended Figures 2A, 3A, 3B and 3H to match the sequences listed in the substitute sequence listing by the same SEQ ID NOs. Applicants submit amended drawing

sheets bearing Figures 2A, 3A, 3B and 3H labeled “Replacement Sheet” in accordance with 37 C.F.R. § 1.121. These replacement sheets together with replacement sheets of all other figures are attached as Exhibit A.

### **Amendments to the Claims**

Applicants have amended claims 300 and 302 to introduce SEQ ID NOs. in accordance with the substitute sequence listing. SEQ ID NO: 55 and SEQ ID NO: 56 have been cited for taR12 and crR12, respectively, in claims 300 and 302 (e.g., see Figures 3A and 3B).

### **Election of Species**

The Examiner contacted the undersigned on May 29, 2009 seeking clarification regarding the SEQ ID NOs. associated with the species elected in the response filed February 26, 2009. As discussed during the interview, the sequences of the elected species taR12 and crR12 are shown in Figures 3A and 3B, respectively. As set forth in the attached substitute sequence listing, the SEQ ID NOs. of these species are SEQ ID NO: 55 and SEQ ID NO: 56, respectively.

Applicants would like to thank the Examiner for careful consideration of this case.  
Please charge any additional fees or credit any overpayments that may be required to our Deposit  
Account No. 03-1721, referring Attorney's Docket Number: 0079571-0094.

Respectfully submitted,

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